# IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 17TH SEPTEMBER 2007 / 26TH BHADRA 1929

W.A.No.1986 of 2007
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AGAINST THE JUDGEMENT IN O.P.NO.9753/1999 DATED 07/02/2007
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APPELLANT/2ND RESPONDENT:-
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INASU, S/O.INASU, ELUVATHINGAL HOUSE,
ANCHANGADI, P.O. ARANATTUKARA, THRISSUR DISTRICT.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS/PETITIOENR AND RESPONDENTS 1 AND 3:-
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1. THE SOUTH INDIAN BANK LTD.,
HEAD OFFICE MISSION QUARTERS, THRISSUR,
REP. BY ITS GENERAL MANAGER.

2. THE INDUSTRIAL TRIBUNAL, PALAKKAD.

3. THE GOVERNMENT OF INDIA,
REP. BY ITS SECRETARY,
MINISTRY OF LABOUR DEPARTMENT, NEW DELHI.

R1 BY ADV. SRI.M.PATHROSE MATHAI (SR.)
R3 BY ASSISTANT SOLICITOR GENERAL OF INDIA SRI.P.PARAMESWARAN NAIR.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 17/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN, J.

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W.A.No.1986 of 2007

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Dated this the 17th day of September, 2007.

**J U D G M E N T**

**H.L.Dattu, C.J.**

The second respondent in O.P.No.9753 of 1999 is the appellant in this appeal. The appellant calls in question the correctness or otherwise of the orders passed by the learned Single Judge in the afore-said original petition dated 7th February, 2007.

2. The South Indian Bank Limited (Bank for short) had questioned the correctness or otherwise of the award passed by the Industrial Tribunal, Palakkad, in I.D.No.70 of 1996 dated Ist February, 1999. The learned Single Judge by the impugned order has allowed the original petition and has set aside the award passed by the Industrial Tribunal. Aggrieved by the said order passed by the learned Single Judge, the second respondent in the original petition is before us in this appeal.

3. The matter had been before this Court on earlier occasion for admission. We had requested the learned counsel appearing for the Bank to have necessary instructions in the matter and if it is possible to settle the lis between the parties.

4. Today the matter is posted for admission. The learned counsel appearing for the Bank, on instruction, would submit that the Bank shall settle whatever amount due to the appellant in so far as the provident

fund and gratuity is concerned, if it is already not paid, within three weeks from today. The learned counsel also submits that the Bank shall pay a sum of Rs.15,000/- over and above, the amount already paid under Section 17B of the Industrial Disputes Act.

5. The suggestion made by the learned counsel for the Bank is not opposed by the learned counsel appearing for the appellant. In view of the above, without going into the merits or demerits of the stand of the appellant before us, the writ appeal is disposed of as under:

(i). The first respondent Bank in the appeal shall settle the provident fund and gratuity amounts payable to the workman, if it is already not paid, within three weeks from today.

(ii). The Bank shall also pay Rs.15,000/- (Rupees fifteen thousand only) to the workman over and above the amount already paid under Section 17 B of the Industrial Disputes Act.

6. With the above observations and directions the writ appeal is disposed of.

Ordered accordingly.

(H.L.DATTU)
CHIEF JUSTICE

(K.T.SANKARAN)
JUDGE

MS